

REMARKS

In the Office Action, claims 1-93 were rejected. The Applicants believe pending claims 1-93 to be patentable. Reconsideration and allowance of all pending claims is requested.

Double Patenting Rejection

Claims 1-93 were provisionally rejected under the judicially created doctrine of double patenting over Claims 1-33 of copending Application No. 10/707,656. Applicants understand that this is a provisional double patenting rejection and will consider filing a terminal disclaimer in the event that the copending Application No. 10/707, 656 is allowed and issues prior to the allowance of the pending claims of the present patent application. Accordingly, Applicants request that the Examiner remove the provisional double patenting rejection of claims 1-93.

Rejections Under 35 U.S.C. § 103

Claims 1-93 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,223,143 (hereinafter "Weinstock") in view of U.S. Patent No. 6,799,154 (hereinafter "Aragones") and in further view of U.S. Patent No. 6,243,696 (hereinafter Keeler). The Examiner relied upon the teachings of Aragones to establish a *prima facie* case of obviousness under 103(a). However, the Aragones patent and the present invention were assigned or under obligation of assignment to the same inventive entity at the time the invention was made, as evidenced by the assignment recorded at reel number 10823 and frame number 0960 on 25th May 2000. Therefore, the Aragones patent does not qualify for use under 35 U.S.C §103(a) in accordance with the provisions of 103(c).

Because, the Aragones patent has been shown to not qualify as the basis of the rejections made under 35 U.S.C §103(a), the Applicants submit that a *prima facie* case of


obviousness has not been established by the Examiner. Thus, it is respectfully requested that the rejections of claims 1-93 under 35 U.S.C. §103(a) be withdrawn.

Conclusion

In view of the remarks and amendments set forth above, Applicants respectfully request allowance of the pending claims. If the Examiner believes that a telephonic interview will help speed this application toward issuance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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